

KAMING & KAMING  
Attorneys At Law  
156 East Street  
New York, NY 10065

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Telephone (212) 535-0245  
Facsimile (212) 988-5479

October 31, 2011

Honorable Joan M. Azrack  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Local #46 Funds, et al v Aggregates Plus Ltd., et al  
09-CV-2615 (JMA)  
and  
Cement and Concrete Workers, et al. v. Aggregates Plus Ltd., et al.  
09-CV-2616 (JMA)

Dear Judge Azrack:

We represent the Plaintiffs in the above captioned matters. The Court requested in our telephone conference of September 14, 2011, that we apprise the Court if this matter has not been settled. The question of the settlement related solely to the Defendant Aggregates Plus Ltd. (Aggregates) selling certain equipment and applying the receipts of payment to the resolution of this matter. We have not been advised by the attorney for Aggregates that the necessary transactions have been completed to resolve this matter. We have sent Aggregates a form of settlement agreement and we understand that the bonding company is awaiting information from the attorney for Aggregates. We believe this matter will be settled as the Court was previously advised.

We respectfully request that this matter be scheduled for the submission of a status letter the first week of December, 2011 which will advise the Court of the status of this matter and hopefully its conclusion.

Thank you for your attention to this letter.

Respectfully,

/s/  
JOSEPH S. KAMING

JSK:jm

cc: Neil Galfunt, Esq.  
John Wojak, Esq.